

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JUNE 27, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1041**

---

**Introduced by Assembly Member Chesbro**  
**(Principal coauthor: Assembly Member Garcia)**  
(Principal coauthor: Senator Beall)  
**(Coauthor: Assembly Member Ammiano)**

February 22, 2013

---

An act to amend Sections 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1041, as amended, Chesbro. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.

This bill would define competitive employment, microenterprises, and self-employment for these purposes. *The bill would additionally require the Employment First Committee to identify existing sources of consumer data that can be matched with employment data, as specified, and to recommend goals for measuring employment participation and outcomes for various consumers within the developmental services system. The bill would require the State Council on Developmental Disabilities to develop an informational brochure about the Employment First Policy, translate the brochure into various languages, and post the brochure on the council's Internet Web site.* This bill would require each regional center planning team, when developing an individual program plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to provide consumers 16 years of age or older, and, ~~where~~ *when* appropriate, other specified persons, with information about the Employment First Policy, ~~about~~ options for integrated competitive employment, and ~~about~~ services and supports, including postsecondary education, *that are* available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) The Legislature finds and declares that under
- 2     existing state and federal law, special education local planning
- 3     agencies (SELPA) have concurrent responsibilities to eligible
- 4     students beginning at 16 years of age for the provision of
- 5     assessment, planning, and necessary services to aid in the transition
- 6     from school to postschool activities.
- 7     (b) This act shall not be construed to expand the responsibilities
- 8     and duties of SELPAs under state and federal law.
- 9     SEC. 2. Section 4646.5 of the Welfare and Institutions Code
- 10    is amended to read:
- 11    4646.5. (a) The planning process for the individual program
- 12    plan described in Section 4646 shall include all of the following:

1 (1) Gathering information and conducting assessments to  
2 determine the life goals, capabilities and strengths, preferences,  
3 barriers, and concerns or problems of the person with  
4 developmental disabilities. For children with developmental  
5 disabilities, this process should include a review of the strengths,  
6 preferences, and needs of the child and the family unit as a whole.  
7 Assessments shall be conducted by qualified individuals and  
8 performed in natural environments whenever possible. Information  
9 shall be taken from the consumer, his or her parents and other  
10 family members, his or her friends, advocates, authorized  
11 representative, if applicable, providers of services and supports,  
12 and other agencies. The assessment process shall reflect awareness  
13 of, and sensitivity to, the lifestyle and cultural background of the  
14 consumer and the family.

15 (2) A statement of goals, based on the needs, preferences, and  
16 life choices of the individual with developmental disabilities, and  
17 a statement of specific, time-limited objectives for implementing  
18 the person's goals and addressing his or her needs. These objectives  
19 shall be stated in terms that allow measurement of progress or  
20 monitoring of service delivery. These goals and objectives should  
21 maximize opportunities for the consumer to develop relationships,  
22 be part of community life in the areas of community participation,  
23 housing, work, school, and leisure, increase control over his or her  
24 life, acquire increasingly positive roles in community life, and  
25 develop competencies to help accomplish these goals.

26 (3) When developing individual program plans for children,  
27 regional centers shall be guided by the principles, process, and  
28 services and support parameters set forth in Section 4685.

29 (4) When developing an individual program plan for a transition  
30 age youth or working age adult, the planning team shall consider  
31 the Employment First Policy described in Chapter 14 (commencing  
32 with Section 4868).

33 (5) A schedule of the type and amount of services and supports  
34 to be purchased by the regional center or obtained from generic  
35 agencies or other resources in order to achieve the individual  
36 program plan goals and objectives, and identification of the  
37 provider or providers of service responsible for attaining each  
38 objective, including, but not limited to, vendors, contracted  
39 providers, generic service agencies, and natural supports. The  
40 individual program plan shall specify the approximate scheduled

1 start date for services and supports and shall contain timelines for  
2 actions necessary to begin services and supports, including generic  
3 services.

4 (6) When agreed to by the consumer, the parents, legally  
5 appointed guardian, or authorized representative of a minor  
6 consumer, or the legally appointed conservator of an adult  
7 consumer or the authorized representative, including those  
8 appointed pursuant to subdivision (d) of Section 4548, subdivision  
9 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review  
10 of the general health status of the adult or child, including medical,  
11 dental, and mental health needs, shall be conducted. This review  
12 shall include a discussion of current medications, any observed  
13 side effects, and the date of the last review of the medication.  
14 Service providers shall cooperate with the planning team to provide  
15 any information necessary to complete the health status review. If  
16 any concerns are noted during the review, referrals shall be made  
17 to regional center clinicians or to the consumer's physician, as  
18 appropriate. Documentation of health status and referrals shall be  
19 made in the consumer's record by the service coordinator.

20 (7) (A) The development of a transportation access plan for a  
21 consumer when all of the following conditions are met:

22 (i) The regional center is purchasing private, specialized  
23 transportation services or services from a residential, day, or other  
24 provider, excluding vouchered service providers, to transport the  
25 consumer to and from day or work services.

26 (ii) The planning team has determined that a consumer's  
27 community integration and participation could be safe and  
28 enhanced through the use of public transportation services.

29 (iii) The planning team has determined that generic  
30 transportation services are available and accessible.

31 (B) To maximize independence and community integration and  
32 participation, the transportation access plan shall identify the  
33 services and supports necessary to assist the consumer in accessing  
34 public transportation and shall comply with Section 4648.35. These  
35 services and supports may include, but are not limited to, mobility  
36 training services and the use of transportation aides. Regional  
37 centers are encouraged to coordinate with local public  
38 transportation agencies.

39 (8) A schedule of regular periodic review and reevaluation to  
40 ascertain that planned services have been provided, that objectives

1 have been fulfilled within the times specified, and that consumers  
2 and families are satisfied with the individual program plan and its  
3 implementation.

4 (b) For all active cases, individual program plans shall be  
5 reviewed and modified by the planning team, through the process  
6 described in Section 4646, as necessary, in response to the person's  
7 achievement or changing needs, and no less often than once every  
8 three years. If the consumer or, where appropriate, the consumer's  
9 parents, legal guardian, authorized representative, or conservator  
10 requests an individual program plan review, the individual program  
11 shall be reviewed within 30 days after the request is submitted.

12 (c) (1) The department, with the participation of representatives  
13 of a statewide consumer organization, the Association of Regional  
14 Center Agencies, an organized labor organization representing  
15 service coordination staff, and the Organization of Area Boards  
16 shall prepare training material and a standard format and  
17 instructions for the preparation of individual program plans, which  
18 embody an approach centered on the person and family.

19 (2) Each regional center shall use the training materials and  
20 format prepared by the department pursuant to paragraph (1).

21 (3) The department shall biennially review a random sample of  
22 individual program plans at each regional center to ensure that  
23 these plans are being developed and modified in compliance with  
24 Section 4646 and this section.

25 SEC. 3. Section 4868 of the Welfare and Institutions Code is  
26 amended to read:

27 4868. (a) The State Council on Developmental Disabilities  
28 shall form a standing Employment First Committee consisting of  
29 the following members:

30 (1) One designee of each of the members of the state council  
31 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph  
32 (2) of subdivision (b) of Section 4521.

33 (2) A member of the consumer advisory committee of the state  
34 council.

35 (b) In carrying out the requirements of this section, the  
36 committee shall meet and consult, as appropriate, with other state  
37 and local agencies and organizations, including, but not limited  
38 to, the Employment Development Department, the Association of  
39 Regional Center Agencies, one or more supported employment  
40 provider organizations, an organized labor organization

1 representing service coordination staff, and one or more consumer  
2 family member organizations.

3 (c) The responsibilities of the committee shall include, but need  
4 not be limited to, all of the following:

5 (1) Identifying the respective roles and responsibilities of state  
6 and local agencies in enhancing integrated and gainful employment  
7 opportunities for people with developmental disabilities.

8 (2) Identifying strategies, best practices, and incentives for  
9 increasing integrated employment and gainful employment  
10 opportunities for people with developmental disabilities, including,  
11 but not limited to, ways to improve the transition planning process  
12 for students 14 years of age or older, and to develop partnerships  
13 with, and increase participation by, public and private employers  
14 and job developers.

15 (3) Identifying existing sources of employment data and  
16 recommending goals for, and approaches to measuring progress  
17 in, increasing integrated employment and gainful employment of  
18 people with developmental disabilities.

19 *(4) Identifying existing sources of consumer data that can be*  
20 *used to provide demographic information for individuals,*  
21 *including, but not limited to, age, gender, ethnicity, types of*  
22 *disability, and geographic location of consumers, and that can be*  
23 *matched with employment data to identify outcomes and trends of*  
24 *the Employment First Policy.*

25 *(5) Recommending goals for measuring employment*  
26 *participation and outcomes for various consumers within the*  
27 *developmental services system.*

28 ~~(4)~~

29 (6) Recommending legislative, regulatory, and policy changes  
30 for increasing the number of individuals with developmental  
31 disabilities in integrated employment, self-employment, and  
32 microenterprises, and who earn wages at or above minimum wage,  
33 including, but not limited to, recommendations for improving  
34 transition planning and services for students with developmental  
35 disabilities who are 14 years of age or older. This shall include,  
36 but shall not be limited to, the development of a policy with the  
37 intended outcome of significantly increasing the number of  
38 individuals with developmental disabilities who engage in  
39 integrated employment, self-employment, and microenterprises,  
40 and in the number of individuals who earn wages at or above

1 minimum wage. This proposed policy shall be in furtherance of  
2 the intent of this division that services and supports be available  
3 to enable persons with developmental disabilities to approximate  
4 the pattern of everyday living available to people without  
5 disabilities of the same age and that support their integration into  
6 the mainstream life of the community, and that those services and  
7 supports result in more independent, productive, and normal lives  
8 for the persons served. The proposed policy shall not limit service  
9 and support options otherwise available to consumers, or the rights  
10 of consumers, or, where appropriate, parents, legal guardians, or  
11 conservators to make choices in their own lives.

12 (d) For purposes of this chapter, the following definitions shall  
13 apply:

14 (1) "Competitive employment" means work in the competitive  
15 labor market that is performed on a full-time or part-time basis in  
16 an integrated setting and for which an individual is compensated  
17 at or above the minimum wage, but not less than the customary  
18 wage and level of benefits paid by the employer for the same or  
19 similar work performed by individuals who are not disabled.

20 (2) "Integrated employment" means "integrated work" as  
21 defined in subdivision (o) of Section 4851.

22 (3) "Microenterprises" means small businesses owned by  
23 individuals with developmental disabilities who have control and  
24 responsibility for decisionmaking and overseeing the business,  
25 with accompanying business licenses, taxpayer identification  
26 numbers other than social security numbers, and separate business  
27 bank accounts. Microenterprises may be considered integrated  
28 competitive employment.

29 (4) "Self-employment" means an employment setting in which  
30 an individual works in a chosen occupation, for profit or fee, in  
31 his or her own small business, with control and responsibility for  
32 decisions affecting the conduct of the business.

33 (e) The committee, by July 1, 2011, and annually thereafter,  
34 shall provide a report to the appropriate policy committees of the  
35 Legislature and to the Governor describing its work and  
36 recommendations. The report due by July 1, 2011, shall include  
37 the proposed policy described in paragraph (4) of subdivision (c).

38 SEC. 4. Section 4869 is added to the Welfare and Institutions  
39 Code, to read:

1 4869. (a) (1) In furtherance of the purposes of this division  
2 to make services and supports available to enable persons with  
3 developmental disabilities to approximate the pattern of everyday  
4 living available to people without disabilities of the same age, to  
5 support the integration of persons with developmental disabilities  
6 into the mainstream life of the community, and to bring about more  
7 independent, productive, and normal lives for the persons served,  
8 it is the policy of the state that opportunities for integrated,  
9 competitive employment shall be given the highest priority for  
10 working age individuals with developmental disabilities, regardless  
11 of the severity of their disabilities. This policy shall be known as  
12 the Employment First Policy.

13 (2) Implementation of the policy shall be consistent with, and  
14 shall not infringe upon, the rights established pursuant to this  
15 division, including the right of people with developmental  
16 disabilities to make informed choices with respect to services and  
17 supports through the individual program planning process.

18 (3) Integrated competitive employment is intended to be the  
19 first option considered by planning teams for working age  
20 individuals, but individuals may choose goals other than integrated  
21 competitive employment.

22 (4) Postsecondary education, technical or vocational training,  
23 and internship programs may be considered as a means to achieve  
24 integrated competitive employment or career advancement.

25 (5) This chapter shall not be construed to expand the existing  
26 entitlement to services for persons with developmental disabilities  
27 described in this division.

28 (6) This chapter shall not alleviate schools of their responsibility  
29 to provide transition services to individuals with developmental  
30 disabilities.

31 *(b) The State Council on Developmental Disabilities shall*  
32 *develop an informational brochure about the Employment First*  
33 *Policy, translate the brochure into various languages, and post*  
34 *the brochure on its Internet Web site.*

35 ~~(b)~~

36 *(c) Regional centers shall provide consumers 16 years of age*  
37 *or older, and, ~~where~~ when appropriate, their parents, legal*  
38 *guardians, conservators, or authorized representative with*  
39 *information, in an understandable ~~form for the consumer and, as~~*  
40 *appropriate, the consumer's representative, form, about the*



1 Employment First Policy, ~~about~~ options for integrated competitive  
2 employment, and ~~about~~ services and supports, including  
3 postsecondary education, *that are* available to enable the consumer  
4 to transition from school to work, and to achieve the outcomes of  
5 obtaining and maintaining integrated competitive employment.

6 ~~(e)~~

7 *(d)* The department may request information from regional  
8 centers on current and planned activities related to the Employment  
9 First Policy.

O